

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FULLER,

No. C-03-05616 MMC (EDL)

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL**

v.

CANTRELL ET AL,

Defendants.

For the reasons stated at the hearing, the Court grants Plaintiff's motion to compel and orders as follows:

- Defendants' objections to Requests for Production No. 6 and 7 are sustained without prejudice to the extent that the Requests call for documents relating to members of the Richmond Police Department's K9 unit who were not present at the time of the incident alleged in Plaintiff's complaint. Actions by officers who were not present are relevant solely to Monell claims, which have been stayed by the District Court judge. If necessary, Plaintiff may move to compel responses to these Requests after trial on the individual Defendants' liability. Defendants' remaining objections are overruled, including their privacy objections.
- Within fourteen days, Defendants shall produce all documents that are not protected by the attorney-client or work-product privilege and are responsive to the discovery requests addressed in Plaintiff's motion, except as noted above. Plaintiff is entitled to discovery relating to Defendants' use of force, use of canines, non-reporting of police misconduct, disciplinary records, notes regarding Defendants' interaction with members of the community and/or suspects, performance appraisals, training, and similar information if any

1 exists. Defendants, however, may withhold and redact private and irrelevant personal
2 financial and medical information contained in personnel files, as well as information
3 relating to conflicts with coworkers (as opposed to non-police).

4 • Defendants shall provide a privilege log complying with this Court's standing order,
5 and shall log any documents withheld based on privilege or privacy, as described above.

6 • Each individual Defendant shall sit for one additional hour of deposition, during
7 which Plaintiff may pose the questions which Defendants were improperly instructed not to
8 answer, as well as reasonable follow-up questions.

9 • Within fourteen days, each individual Defendant shall file signed declarations
10 describing the efforts each made to locate responsive documents, the result of the search, and
11 the documents produced or the lack of documents discovered.

12 • Plaintiff's request for sanctions is denied.

13 **IT IS SO ORDERED.**

14 Dated: September 1, 2006

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge